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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 ALLAH,) CASE NO. C05-1480-MJP-MAT
10 Petitioner,)
11 v.)
12 DOUG WADDINGTON,)
13 Respondent.)
14)

15 This is a federal habeas action which was initiated by petitioner in August 2005 with the
16 filing of a petition for writ of habeas corpus and a series of supporting documents which appeared
17 to present a challenge to petitioner's 2001 state court conviction. This Court reviewed the
18 documents and found that they did not clearly provide all of the information required by the
19 Court's prescribed forms. The Court also found that petitioner's documents did not clearly
20 identify the claims petitioner intended to raise in these proceedings. Thus, on October 18, 2005,
21 this Court issued an Order directing petitioner to file a § 2254 petition on the forms provided by
22 the Clerk and reminding petitioner that state remedies must first be exhausted as to all issues raised
in a federal habeas petition.

01 On November 9, 2005, petitioner filed a document entitled "Refusal for Fraud FRCP 9(b)"
02 in which he appears challenge this Court's October 18 Order on the grounds that the parties were
03 identified in the caption of the Order using all capital letters. On November 23, 2005, petitioner
04 filed a document entitled "Judgement on Habeas Corpus As a Matter of Law/And Order of
05 Release" in which he identifies a series of attached exhibits which he apparently believes entitle him
06 to release from custody.

07 The documents submitted by petitioner do not make clear the precise nature of petitioner's
08 claims nor do they demonstrate that any intended claims have been exhausted in the state courts.
09 Accordingly, this Court recommends that petitioner's federal habeas petition be dismissed, without
10 prejudice, for failure to identify any cognizable claim for federal habeas relief. A proposed order
11 accompanies this Report and Recommendation.

12 DATED this 20th day of December, 2005.

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14 Mary Alice Theiler
15 United States Magistrate Judge
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